

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

AMERICAN AIRLINES, INC., §  
§  
Plaintiff, §  
§  
v. § Civil Action No. 4:23-cv-00860-P  
§  
SKIPLAGGED, INC., §  
§  
Defendant. §

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**DEFENDANT SKIPLAGGED, INC.’S RESPONSE TO PLAINTIFF’S MOTION TO  
EXCLUDE EXPERT OPINIONS AND TESTIMONY OF GARY L. GUTZLER,  
MOTION TO STRIKE LATE-PRODUCED EVIDENCE**

Defendant Skiplagged, Inc. (“Skiplagged”) hereby files Response to Plaintiff American Airlines, Inc.’s (“AA”) Motion to Exclude Expert Opinions and Testimony of Gary L. Gutzler, Motion to Strike Late-Produced Evidence [Dkt. 211].

Skiplagged’s Response is based upon its (1) Brief in Support; (2) Appendix; and (3) all pleadings and papers on file in this action. Pursuant to this Court’s local rules, Skiplagged files its Brief in Support contemporaneously with this Response.

Skiplagged asks this Court to deny AA’s Motion to Exclude Gutzler because Gutzler’s opinions and testimony are based on reliable underlying facts, data and methodology, Gutzler performed an independent analysis of Skiplagged’s business records, the Rebuttal Reports contain proper rebuttal opinions to AA’s damages expert, and reference to newly available and produced data was proper.

For the reasons provided in Skiplagged’s Brief in Support of this Response, Skiplagged requests that this Court deny AA’s Motion to Exclude and award such other relief to which Skiplagged is entitled.

Dated: August 30, 2024

*/s/ William L. Kirkman*

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*/s/ Abigail R.S. Campbell*

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*/s/ Darin M. Klemchuk*

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**CERTIFICATE OF SERVICE**

On August 30, 2024, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/Abigail R.S. Campbell*  
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